REMARKS

Claims 1 to 19 are all the claims pending in the application, prior to the present amendment.

Claims 1-19 have been rejected under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. Patent 4,507,469 to Mita et al.

Applicants submit that Mita et al do not disclose or render obvious the subject matter of the present claims and, accordingly, request withdrawal of this rejection.

The present invention as set forth in claim 1 as amended above is directed to a one-part curable composition, comprising: (A) an organic polymer having a silicon-containing group capable of cross-linking by forming siloxane bonds; (B) a metal carboxylate in which the carbon atom adjacent to the carbonyl group constituting the carboxylic acid is a quaternary carbon atom; and (C) a carboxylic acid smaller in molar quantity than said (B) component metal carboxylate.

Thus, applicants have amended claim 1 to incorporate the recitations of claim 8 to recite that the metal carboxylate (B) is a metal carboxylate in which the carbon atom adjacent to the carbonyl group constituting the carboxylic acid is a quaternary carbon atom. Applicants have canceled claim 8.

By the above specific constitution, the one-part curable composition of the present invention can have a high recovery ratio, a high creep resistance, a suppressed curing retardation after storage, a practical curability, and a satisfactory adhesion.

On the other hand, Mita et al relate to a curable composition comprising a mixture consisting essentially of a polymer having a polyether as a main chain and containing a silyl

group (100 parts by weight); a catalyst selected from the group consisting of tin (II) salt of an organic carboxylic acid, a lead (II) salt of an organic carboxylic acid, and mixtures thereof (0.01-10 parts by weight); and an organic carboxylic acid and/or an organic amine (0.001-10 parts by weight). Mita et al only describe that the curable composition has good set resistance.

In the present invention, the metal carboxylate, in which the carbon atom adjacent to the carbonyl group constituting the carboxylic acid is a quaternary carbon atom, is used as the (B) component. However, Mita et al do not disclose the specific metal carboxylate used in the present invention. Mita et al merely disclose tin (II) 2-ethyl hexanoate, in which the carbon atom adjacent to the carbonyl group constituting the carboxylic acid is a tertiary carbon atom. Accordingly, applicants submit that the present invention differs from Mita et al and, therefore, is not anticipated by Mita et al.

Moreover, Mita et al do not suggest the specific component (B) and the combination of the specific (B) component and (C) component of the present invention.

In addition, in the present invention, a one-part curable composition can be obtained, in which (i) the recovery property and the creep resistance are improved by using the metal carboxylate (B) as a silanol condensation catalyst for the polymer (A); (ii) the curing retardation after storage is suppressed by adding the carboxylic acid (C); (iii) degradation of the adhesion is suppressed by limiting the added amount of the carboxylic acid (C); and moreover, iv) rapid curing rate is obtained by using the specific metal carboxylate (B) in which the carbon atom adjacent to the carbonyl group constituting the carboxylic acid is a quaternary carbon atom. See page 5, lines 4-13 and page 36, line 20 - page 37, line 2 of the present specification.

By comparing Examples 1-4 with Comparative Example 2 in the present specification, it is clear that the above effect i) can be obtained in the present invention.

By comparing Example 2 with Comparative Example 1, it is clear that the above effect ii) can be obtained in the present invention.

By comparing Examples 5-6 with Comparative Examples 3-4, it is clear that the above effect iii) can be obtained in the present.: invention.

Furthermore, it is clear that the above effect iv) can be obtained in the present invention by comparing Examples 2-4 (using tin (II) neodecanoate) with Example 1 (using tin (IT) 2-ethylhexanoate).

Thus, the excellent effects of the present invention are clearly shown in the present specification. On the other hand, Mita et al only describe that the curable composition has good set resistance.

As mentioned above, Mita et al neither disclose nor suggest the specific (B) component and the combination of the specific (B) component and (C) component of the present invention.

Moreover, Mita et al neither disclose nor suggest that all the above excellent effects of the present invention can be obtained at the same time by the specific constitution of the present invention. Consequently, one of ordinary skill in the art would not have been led to the present invention from the teaching of Mita et al. Therefore, the present invention is unobvious from Mita et al.

In view of the above, applicants submit that Mita et al do not disclose or render obvious the subject matter of the present claims and, accordingly, request withdrawal of this rejection.

Claims 1, 2, 3, 4, 5, 12 and 17 have been provisionally rejected on the ground of nonstatutory double-patenting over claims 1, 7-11 and 13 of copending Application No. 11/097,509.

The copending Application No. 11/097,509 that has been cited by the Examiner is an application that does not have a common inventor or common assignee with the present application. The copending Application No. 11/097,509 is in the name of Sampsell et al.

Accordingly, applicants request withdrawal of the double patenting rejection.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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